
UNITED STATES DISTRICT COURT**EASTERN DISTRICT OF TEXAS**

JAMES BARLOW and DEBRA PEVETO,

Plaintiffs,

versus

ALLSTATE TEXAS LLOYDS,

Defendant.

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CIVIL ACTION NO. 1:05-CV-131

MEMORANDUM ORDER ADOPTING ON SUMMARY JUDGMENT

Pursuant to 28 U.S.C. § 636(b)(1)(A) and the Local Rules for the United States District Court, Eastern District of Texas, Appendix B, the Court referred this proceeding to United States Magistrate Judge Keith F. Giblin for the entry of findings of fact and recommended decisions on pretrial case-dispositive motions. Pending before the Court is Defendant Allstate Texas Lloyd's *Motion for Summary Judgment* (#11). On April 5, 2006, Judge Giblin issued his *Report and Recommendation* (#16) on the motion for summary judgment. He recommended that the Court grant the defendant's motion for summary judgment, dismiss the plaintiffs' claims with prejudice and enter judgment for Defendant Allstate Texas Lloyds on all of the plaintiff's claims. The plaintiffs objected to Judge Giblin's report (#17).

After conducting a *de novo* review of the plaintiffs' specific objections and the record, the Court agrees with the magistrate judge's *Report and Recommendation*. See 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72. The Court overrules the plaintiffs' objections to the report, **ADOPTS** the *Report and Recommendation on Motion for Summary Judgment* (#16), and incorporates the magistrate judge's findings in support of this memorandum order.

The Court further **ORDERS** that Defendant Allstate Texas Lloyd's *Motion for Summary Judgment* (#11) is **GRANTED**. The plaintiffs' claims are **DISMISSED** with prejudice and summary judgment is entered in favor of the defendant. The Court will enter final judgment separately.

SIGNED at Beaumont, Texas, this 24th day of April, 2006.

A handwritten signature in black ink, reading "Marcia A. Crone", is positioned above a horizontal line.

MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE